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8 Attorneys for Defendant BRANDI AYCOCK

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10 UNITED STATES DISTRICT COURT
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA
12 SAN JOSE DIVISION

13 UNITED STATES OF AMERICA,

14 Plaintiff,

15 vs.

16 AMIT M. EZYONI, BRANDI C.
AYCOCK, Et. Al.,

17 Defendants.

18 CASE NO. CR 07-00788 JF/PVT

19 DECLARATION OF COUNSEL IN
SUPPORT OF EX PARTE
APPLICATION FOR WAIVER OF
PERSONAL APPEARANCE

20 Date: 4/2/08

Time: 9:00 am

21 I, JERRY Y. FONG, declare:

22 1. I am an attorney at law, duly licensed to practice before all courts
23 of the State of California. I am the one of the attorneys of record for Defendant
BRANDI C. AYCOCK in the above-captioned matter.

24 2. Ms. AYCOCK lives in Florida. Because the appearance on April 2,
25 2008 is a status hearing, she has requested that her personal presence be
26 waived. The cost and time of traveling to San Jose would create a hardship on
27 Ms. AYCOCK for a hearing in which her presence is not necessary.

28 3. I spoke with Assistant U.S. Attorney Jeffrey Nedrow regarding Ms.

1 AYCOCK'S presence at the status date. He advised that he has no objection to
2 excusing the Defendant's personal appearance on April 2, 2008.

3 4. Under F.R.Cr.P. 43(c), a Defendant need not be present when the
4 proceeding involves only a conference or hearing upon a question of law.

5 5. Accordingly, I respectfully request that the Court grant Ms.
6 AYCOCK'S request to be excused from the April 2, 2008 hearing.

7 I declare under the penalty of perjury under the laws of the State of
8 California that the foregoing is true and correct, and that this declaration is
9 made on March 11, 2008 at Palo Alto, California.

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13 /s/
14 JERRY Y. FONG
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